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10/529,380	03/29/2005	Yasuyuki Kurosawa	OKUDP0108US	4548
51921 7590 02/09/2009 MARK D. SARALINO (PAN) RENNER, OTTO, BOISSELLE & SKLAR, LLP 1621 EUCLID AVENUE 19TH FLOOR CLEVELAND, OH 44115				
EXAMINER				
LU, KUEN S				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,380

Applicant(s)

KUROSAWA, YASUYUKI

Examiner

KUEN S. LU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 3/29/05 4/4/07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. The Action is responsive to Applicant's Application filed March 29, 2005.
2. Please note claims 1-21 are pending.

Drawings

3. The drawings, filed March 29, 2005, are considered in compliance with 37 CFR 1.81 and accepted.

Priority

4. Applicant's claim of foreign priority on Japan application 2002-305418 filed October 21, 2002, under 35 U.S.C. 119(a)-(d) or (f) is acknowledged.

Information Disclosure Statement

5. The information disclosure statements (IDS) submitted on March 29, 2005 and April 4, 2007 were filed before the mailing of a first Office action after the filing of the application. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement is being considered by the Examiner and electronically signed as attached.

Specification

- 6.1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

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6.2. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

6.3. Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6.4. The Abstract is objected to because it contains word "invention" and phrase

"according to the present invention" in which "invention" can be implied. Correction is required.

6.5. The Specification is objected to because the section title of CROSS REFERENCE TO RELATED APPLICATION is not included for describing foreign priority and incorporated cross reference. Correction is required.

Claim Objections

7. Claims 1, 11 and 21 are objected to because of the following informalities:

As per claims 1, 11 and 21, the phrase "reading and writing data from/on a storage medium" in the claims is objected to because "/" is not clear on whether it

is a, "or" and "and". Furthermore, its implication on reading from or writing on the storage medium is ambiguous. This Examiner respectfully interprets the phrase as "reading from and writing on a storage medium" Appropriate correction is required.

Claim Non-Rejections - 35 USC § 101 Statement

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8.1. This Examiner respectfully acknowledges that claims 1-21 are of statutory, under 35 U.S.C. 101.

As per claim 1, the claim describes a data processor comprising of a controller and a stream generating section, based on specification, which are both hardware devices and of physical structure. Therefore, claim 1 and its dependents (claims 2-10) are of statutory category machine.

As per claim 11, the method claim performs steps of reading and writing storage medium in which the steps tie to a storage medium having data stream stored thereon which belongs to statutory of manufacture category and the steps further transform its underlying subject matter, video signal, to a different state or thing. Therefore the claim and its dependents (claims 12-20) are of statutory category of process.

As per claim 21, the medium claim having a computer program stored thereon is an article of manufacture. Therefore, its statutory status is as solid as a gold bar.

As per claim 6, the claim is directed to the document management method of claim 1 and therefore rejected along the same rationale.

As per claim 5, Hori teaches "The temporary storage management apparatus according to claim 1, further comprising start time extraction means for sequentially extracting the temporary storage start time added to an inter frame encoded image, from the content data comprising video data created by sequentially compressing and encoding the prescribed parts each having a plurality of frame images with a beginning as the inter frame encoded image" (See Hori: [0391] where image data is extracted and displayed and further [0186] where frame is extracted one after another).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.1. Claims 1-21 are rejected under 35 U.S.C. 102(e) as anticipated by **Kato et al.**

("INFORMATION PROCESSING APPRATUS AND METHOD, RECORDED MEDIUM, AND PROGRAM", U.S. Patent Application Publication 2002/0150383, filed 4/20/2001 and published 10/17/2002, hereafter "Kato").

As per claim 11, Kato teaches "A data processing method for reading and writing data from/on a storage medium, the storage medium having stored thereon a first data

stream being represented by a video signal that has been encoded by a first encoding process" (See Fig. 1, [0008] and [0139]-[0141] where data contents are recorded on storage medium and playback information is supervised, and video and audio signal is encoded by an AV encoder and subsequently multiplexed and further encoded by packetizer), the method comprising steps of:

"acquiring first playlist information which is used to manage playback of the first data stream" (See [0152] where a controller creates playlist of the playback items of the AV data content streams encoded by the AV encoder);

"generating a second data stream by encoding the video signal by a second encoding process, which is different from the first encoding process" (See Fig. 1, [0008] and [0139]-[0141] where AV encoder encoded and multiplexer multiplexed audio signal are subsequently encoded by packetizer which is different from the AV encoder); and

"producing second playlist information based on the second data stream and the first playlist information so as to manage an order in which the second data stream is played back" (See [0157]-[0158] and [0170] where playback is reproduced as from a present time point in which AV signal is further encoded in ECC and modulation units and written into write unit, and a playlist is selected for the playback in a clip).

As per claim 12, Kato teaches the data processing method of claim ii, further comprising steps of:

"generating the first data stream in parallel with the second data stream" (See [0490] where steps of medium contents processing include both chronological and in parallel or separately);

"storing the first data stream on the storage medium" (See [0152] where a database is stored with AV data and related information); and

"storing the second data stream on another storage medium" (See Fig. 1 and [0154] where data stream contents are stored on recording medium).

As per claim 13, Kato teaches the data processing method of claim 12, "wherein the step of generating the first data stream includes generating the first data stream such that the first data stream includes a plurality of data streams, and wherein the step of generating the second data stream includes generating the second data stream such that the second data stream includes a plurality of data streams" (See [0140] and [0162] in which AV stream comprises of data streams).

As per claim 14, Kato teaches the data processing method of claim 12, "wherein the step of acquiring the first playlist information includes acquiring the first playlist information that includes stream identifying information, which identifies each of more than one stream included in the first data stream, and range information, which specifies the playback range of each said stream, and wherein the step of producing the second playlist information includes producing the second playlist information that includes stream identifying information, which identifies an associated one of more than one stream included in the second data stream, and range information, which specifies the playback range of each said stream, from the stream identifying information and the range information" (See [0161] where AV stream recorded is edited for creating a range of a data stream between a beginning and an ending points and a corresponding

database of playlist and playback is also created accordingly).

As per claim 15, Kato teaches the data processing method of claim 14, "wherein the step of acquiring the first playlist information includes acquiring the first playlist information that specifies a playback effect on the first data stream, and wherein the step of producing the second playlist information includes producing the second playlist information that specifies another playback effect, which is different from the playback effect on the first data stream, for the second data stream" (See [0149] where feature information and feature pictures are acquired and stored in database).

As per claim 16, Kato teaches the data processing method of claim 15, "wherein the step of producing the second playlist information includes producing the second playlist information by specifying the playback effect on the second data stream according to the type of the playback effect on the first data stream" (See [0149] where feature information and feature pictures are acquired and stored in database).

As per claim 17, Kato teaches the data processing method of claim 14, "wherein each said range information included in the first and second playlist information designates an I-picture, compliant with an MPEG standard, as a start position of the playback range" (See [0150] where feature information includes timestamp and address information of the I-picture).

As per claim 18, Kato teaches the data processing method of claim 17, further

comprising a step of giving an instruction on how to generate I-pictures compliant with the MPEG standard,

"wherein the step of generating the first data stream and the step of generating the second data stream include generating the first and second data streams in accordance with the instruction such that each pair of I-pictures in the first and second data streams are associated with the same video picture" (See [0158] where controller reads out data from an I-picture whose address is closest to the address of the AV stream for packetizer and other units to process).

As per claim 19, Kato teaches the data processing method of claim 12, further comprising steps of:

"acquiring the video signal" (See Fig. 1, elements 12 and 11 where audio and video signals are acquired, respectively); and

"acquiring an audio signal" (See Fig. 1, elements 12 and 11 where audio and video signals are acquired, respectively);

"wherein the step of generating the first data stream and the step of generating the second data stream include generating the first and second data streams such that each said stream further includes the audio signal" (See Fig. 1, [0008] and [0139]-[0141] where data contents are recorded on storage medium and playback information is supervised, and video and audio signal is encoded by an AV encoder and subsequently multiplexed and further encoded by packetizer).

As per claim 20, Kato teaches the data processing method of claim 11, further

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comprising steps of:

"receiving an instruction on the playback order of the first data stream" (See Fig. 1 and [0147] where user command to the controller via an input terminal); and

"writing the first playlist information, the second data stream and the second playlist information on the storage medium" (See [0157]-[0158] and [0170] where playback is reproduced as from a present time point in which AV signal is further encoded in ECC and modulation units and written into write unit, and a playlist is selected for the playback in a clip);

"wherein the step of acquiring the first playlist information includes producing the first playlist information in accordance with the instruction, and wherein the step of generating the second data stream includes generating the second data stream based on the first data stream" (See [0157]-[0158] and [0170] where playback is reproduced as from a present time point in which AV signal is further encoded in ECC and modulation units and written into write unit, and a playlist is selected for the playback in a clip).

As per claims 1-10, the claims are directed to the data processor for reading data from and writing data on a storage medium for functions of claims 11-20, sequentially respectively and correspondingly and therefore rejected along the same rationale.

As per claim 21, the claim is directed to a recording medium having stored thereon a computer program which is executed by a computer in reading and writing data from/on a storage medium for functions of claim 11 and therefore rejected along the same rationale.

References

10.1. The prior art made of record

A. U.S. Patent Application 2002/0150383

10.2. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

B. U.S. Patent Application 2002/0135608

C. U.S. Patent Application 2002/0106189

D. U.S. Patent Number 6,360,368

Contact Information

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should You have questions on access to the Private PAIR

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system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

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Primary Patent Examiner

February 9, 2009